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C O N F I D E N T I A L SECTION 01 OF 02 MANAGUA 002630

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WHA/CA FOR DRL, G/IWI

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TAGS: [PGOV](#) [PREL](#) [KDEM](#) [KWMN](#)
SUBJECT: NICARAGUA'S HEALTH MINISTER SAYS ABORTION LAW
PASSED WITHOUT CONSIDERATION FOR CONSEQUENCES

Classified By: DCM Brennan for reasons 1.4(b and d)

11. (C) SUMMARY: Poloffs recently met with Nicaraguan Minister of Health Margarita Gurdian to solicit her position on Nicaragua's new legislation criminalizing all forms of abortion and how this decision could affect women's health. According to the minister, the law will create fear and confusion, adversely affecting the ability of medical doctors, clinics, and hospitals to provide treatment for women with high risk or unviable pregnancies, as well as for rape victims. Gurdian expressed regret that the medical community was shut out of the legislative debate that was strongly influenced by Catholic church and Evangelical group interests. END SUMMARY

RELIGION, POLITICS, AND RUSH TO JUDGMENT
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12. (C) Minister Gurdian informed poloffs on November 21 that the National Assembly's recent decision to criminalize all forms of abortion was passed "too quickly," without consulting medical professionals, and with little thought to the consequences of this law and its potentially harmful effects on women. The change in the Penal Code criminalizes both the woman who undergoes an abortion and the physician who performs the procedure, imposing a prison sentence of four to eight years. She noted that the National Assembly failed to clearly define the concept of therapeutic abortion as the only legal procedure for women with at-risk pregnancies to terminate a pregnancy to save a mother's life. Gurdian added that under past legislation, permission to undergo a therapeutic abortion required the certification of three medical doctors.

13. (C) Minister Gurdian lamented that lawmakers did not take into account the health implications and adverse effects on women when they changed the Penal Code, asserting that the technical experts were "shut out of the debate." She opined that lawmakers were "misinformed, and not clear about what they were penalizing," noting the lack of differentiation between therapeutic abortions that are used only in emergencies and those that are "optional" or elective abortions. Although she was somewhat cryptic in alluding to the influence of religion on Nicaraguan politics, Gurdian volunteered that the National Assembly likely rushed the legislation through before the November 5 election for political reasons and under pressure from both the Catholic and Evangelical churches.

FEAR FACTOR WILL PUT MORE WOMEN AT RISK
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¶4. (C) Minister Gurdian described the change in legislation as a "conflict of ethics and intervention," arguing that the fear of punishment will prevent doctors from providing treatment when the life of the mother is in danger or when the fetus is unviable. Rather than reducing the number of abortions, she believes the new law will lead to a higher incidence of illegal, unsafe abortions, and increase the incidence of maternal mortality. She added that the Nicaraguan press contributed to the spread of fear and confusion by printing sensationalist stories that claimed women were dying as a result of the law without thorough investigation of the alleged incidents.

CONTINUITY IN HEALTH MINISTRY

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¶5. (C) On other matters related to the Health Ministry, Gurdian informed poloffs that she did not anticipate that her ministry would undergo any major turnover with the transition to an Ortega government. The Minister predicts President-elect Ortega will want to maintain "continuity" in the health department since he declared health as one of his top campaign promises. (NOTE: A December 1 TV morning news program and today's daily La Prensa speculated that Gurdian will stay on as Health Minister for at least a year.) She also expressed her appreciation for the USG's help in treating the burn victims who survived a deadly explosion in a fireworks manufacturing plant near the city of Granada earlier this month.

BIO

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¶6. (U) Prior to her appointment as Minister of Health in December 2002, Margarita Gurdian served as Vice Minister of Health from 2002-2004, and has had extensive experience in the health field in both the government and NGO sectors. She previously worked in the Health Ministry from 1991 to 1992 under the Chamorro Administration, and was responsible for strengthening cooperation in the health sector with NGOs, and bilateral and multilateral organizations. From 1997 to December 2001, Gurdian worked with the Johns Hopkins University at the Center for Programs in Communication in Managua, and specialized in health communications. She served as Executive Director of the Nicaraguan Fund for Children and Family (FONIF) 1996-97, and before that she was with the Ministry of Social Action where she held several positions including as delegate representing populations vulnerable to natural disasters from 1993-95. She was also Oxfam International's representative to Nicaragua. She began her career as Vice Consul at the Nicaraguan Consulate General in Los Angeles (1979-83). Gurdian earned her B.A. and M.A. from the University of California, in Riverside (UCR) and Los Angeles (UCLA) respectively; and completed additional studies at Georgetown and Johns Hopkins. She was also the head of the Nicaraguan delegation to UNICEF to present and defend the 1997-2001 Nicaragua Five Year Plan.

COMMENT

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¶7. (U) Minister Gurdian and the Minister of Family are the only two women to hold any of the 12 cabinet level positions in the current Bolanos administration. President-elect Ortega has pledged to appoint women to half of cabinet level positions in his government. END COMMENT

BRENNAN